

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: UBS SECURITIES LLC, and UBS LOAN
: FINANCE LLC,
:

: Plaintiffs/Counter-Defendants, :

: -v- :

: THE FINISH LINE, INC., :
:

: Defendant/Counter-Plaintiff, :
:

: and :
:

: GENESCO INC., :
:

: Defendant. :
:
:-----x

07 Civ. 10382 (LAP)

ORDER

LORETTA A. PRESKA, U.S.D.J.

Today the Court held a pretrial conference on this matter, which is scheduled to begin trial on March 3, 2008 at 9:00 a.m in courtroom 26A at 500 Pearl Street. The Court has reviewed the proposed joint pretrial order, which includes the parties' estimates of the time each witness will testify, as well as the materials already in the record in order to determine how to resolve this action at trial efficiently and expeditiously. See Latino Officers Ass'n, Inc. v. City of New York, No. 99 Civ. 9568, 2003 WL 22300158, at *2 (S.D.N.Y. Oct. 8, 2003) ("In the management of its docket, the court has an inherent right to place reasonable limitations on the time allotted to any given

trial.") (citation omitted). In light of this review and the expedited nature of this proceeding, the Court concludes the following:

- The Court will conduct trial over the course of twenty hours.
- UBS is allocated ten hours; Finish Line is allocated five hours; and Genesco is allocated five hours.
- Each party's given allocation includes any time its counsel is standing, for example, conducting direct examination or cross examination, objecting, opening, or closing.

The Court will entertain applications to extend any of these allocations if good cause is shown.

The parties shall first try the issue of whether the merged entity would be solvent at \$54.50 per Genesco share. The Court anticipates that it will rule on that issue and proceed immediately to any remaining issues.

SO ORDERED:

Dated: New York, New York
February 26, 2008


LORETTA A. PRESKA, U.S.D.J.